

I would like to thank the FCC for its exceptionally forward thinking in introducing these proposed changes. In the last several years the Licensed Exempt industry has built and maintained a constant growth demonstrating that with little encouragement a sustainable, reliable and profitable alternative to the traditional wireline methods of delivering broadband can be deployed.

This entire industry has been created using what had commonly been referred to as "Junk Bands" and as secondary users at that.

We ask the FCC to now realize that the Licensed Exempt industry is gone beyond the label of experimental into a real and viable entity providing a proven service to the American public. However, we believe that in order to further expand we need to be granted a slice of spectrum that is not shared by a multitude of other devices, in effect, set aside as a band of our own on an experimental basis as either primary users or on a co-primary basis. Furthermore, we applaud the suggestion that we should be given a substantially higher output power allowing us to compete with some of the traditional industries like MMDS and LMDS.

Specifically, we ask the FCC to consider setting radio output power at the 25 level watt with 6db of antenna gain but also including incentive to use better antenna technology as has been successfully implemented in the 2.4GHz Part 15 spectrum. This would include a formula where for every db radio output power is reduced an addition of 3db could be taken advantage of for antenna gain. We believe that these higher output allowances will foster substantial acceptance in our industry and coupled with the Automatic Gain Control we believe interference can be kept to a minimum while allowing us to take advantage of higher output power in locations where there is no existing infrastructure to cause problems with. We support the use of omnidirectional antennas and sector antenna deployment but would like to recommend that the use of sectors should be encouraged by the allowance of higher outputs over omnidirectional antennas to minimize the potential for unwanted interference.

We cannot stress how important the higher power limits are important to the adoption of this spectrum by the Licensed Exempt industry. It is believed that this level of output power would allow us to successfully deploy equipment without the need to a service call (truck roll) allowing for the potential for a customer installable client device. This would provide for an economic parity with other traditional broadband suppliers. While we support the FCC stance on mandating Professional Installers for the distribution end of any deployments we ask that the FCC set acceptable output levels on the CPE devices allowing for the consumer to perform the installation without the necessity for a Professional Installer to be required at the installation site.

With respect to the need for a protection zones around each FSS earth station we ask the FCC to consider mandating the FSS earth station be required to prove interference caused by utilizing the submission of a baseline noise floor reading before the introduction of this spectrum for the Licensed Exempt use so as to determine the "Interference Temperature" before and after any equipment might be introduced into their area. We also believe that the FSS earth

stations be mandated to use every technique possible to actively reduce interference.

The choice of the 3650-3700MHz band by the FCC is an inspired one as it allows for currently produced equipment to be utilized with very little modification making it possible for many of the manufacturers to deliver workable equipment into the field very quickly.

We support the concept of a multi-band systems which can analyze the operating environment and automatically select from the 2.4 GHz, 3650 MHz, 5.4GHz or 5.8 GHz bands believing that encouragement in this type of technology will further stimulate not only innovation but also quick deployment. While we strongly support this technology we ask that it be allowed it not be mandated. We would like to point out that any specific mandates that require the implementation of untested technology not only delay the introduction of the equipment to our industry but would also add a substantial cost reducing the economic viability of this equipment. This is a critical point.

At the same time, we also ask that in this case the recommendation for experimentation be dropped. We would support the recommendation of Automatic Gain Control or any other well-known form of "smart electronics" but caution against the implementation of any new technology that might delay the immediate development and release of equipment specifically referencing what has happened to the 5.4GHz band. The same holds true for the mandating of DFS and the broadcast of a unique device identification signal as we believe that Automatic Gain Control can successfully mitigate any such issues. Conversely, we would strongly support the incentive to produce innovative equipment through the allowance of higher power outputs based on smart antenna technology and/or frequency agility.

We would also ask the FCC to put this spectrum allocation on the "fast track" so as to coincide with the soon to be released WiMAX standard. The potential for explosive growth in this industry based on this action is incalculable especially when the push by the federal government for 100% broadband availability is taken into consideration especially in the most rural areas of our country as defined in Section 706 of the Telecommunications Act of 1996.

We maintain that this move by the FCC will not cause trouble with any other industry. The objections raised by many of the responses we have seen appear to be based on the competitive loss of business rather than any technical basis and we welcome a continuing dialog that might show how this proposal would negatively impact the good this proposal can accomplish. Based on the FCC's mandate to regulate the airways to provide for the public good we believe a solid case can be made that providing this spectrum to the Licensed Exempt users with higher power outputs will significantly benefit the American people more than any other allocation possibly could. We do, however, recognize that strict conditions be maintained so as to not interfere with any other industry utilizing the same spectrum.